

Article - Environment

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§9-647.

(a) As provided in this part, the sanitary commission and the governing bodies of the member counties of a district may create or change service areas in the district.

(b) Except as provided in subsection (e) of this section, in considering a proposed service area, the sanitary commission and the governing bodies of the member counties may not create or change a service area unless they find that the creation or change:

(1) Is necessary for the existing and future health, safety, and welfare of the public in general; and

(2) Is feasible financially and from an engineering standpoint.

(c) The governing bodies of the member counties of a district:

(1) May authorize the district to retain expert engineering services to develop a plan for the creation of service areas in the district; and

(2) Shall pay from the general funds of the member counties the cost of all engineering services obtained under this subsection.

(d) In Allegany County, the boundaries of an existing service area may be changed to reduce the area included in the service area if the Sanitary Commission and the governing body of Allegany County make the findings specified in subsection (b) of this section and also find that the change in the boundaries of the service area would:

(1) Exclude only properties which are not served by any project benefiting the service area or which the Sanitary Commission finds and determines will not be served within 2 years after the latter of:

(i) The date on which the construction is completed for any project then under construction for the service area; or

(ii) The date on which the Sanitary Commission adopts a resolution to change the boundaries of the service area; and

(2) Not cause the outstanding principal balance of bonds issued for the service area to exceed 25 percent of the total value of property, as assessed for county taxation, in the service area, as proposed to be reduced, on the date on which the Sanitary Commission adopts the resolution to change the boundaries of the service area.

(e) In Worcester County, in considering a proposed service area, the Sanitary Commission and the governing body of Worcester County may not create or change a service area unless they find that the creation or change:

(1) Is necessary for the existing or future health, safety, and welfare of the public in general; and

(2) Is feasible financially and from an engineering standpoint.

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